



CHAPTER 103

An Act to amend the charter of the Montreal Metropolitan Commission

[Assented to, the 4th of April, 1929]

WHEREAS the Montreal Metropolitan Commission has, Preamble.
by its petition, represented that it is in its interests as well as in the interest of the municipalities over which its control extends that the acts 11 George V, chapter 140; 12 George V, chapters 123 and 124; 13 George V, chapter 105; 14 George V, chapter 107; 15 George V, chapter 115; 16 George V, chapter 82, and 18 George V, chapter 120, be amended, and more extended powers be given it to make its action more effective; and

Whereas it is expedient to grant its petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. No municipality situated on the Island of Montreal, Approval of Commission to construct water-works, etc.
except the City of Montreal, shall grant, to any company, corporation or person whomsoever, authorization to construct waterworks within or outside the limits thereof, or grant to any company, corporation or person any franchise or privilege for such purpose, nor may such municipality itself construct waterworks or continue for over five years an existing contract for supplying water, without the previous approval of the Commission. Without such approval, all by-laws, resolutions and contracts made or passed in connection with any of the matters enumerated in this section shall be null and void, and the Commission may in its own name institute any judicial proceedings it may see fit to prevent the execution thereof.

2. 1. Whenever a loan made by the Commission for a Disposal of sinking-fund.
municipality is entirely covered by the contribution paid

by such municipality to the sinking-fund and the period fixed by the municipality's by-law for the redemption of the loan has expired, while the period of the bonds issued by the Commission has not yet elapsed, the Commission may, with the consent of the Minister of Municipal Affairs, withdraw the sums so accumulated to the credit of such municipality in the sinking-fund, by issuing in favour of such fund its own bond, and lend the said sums to any municipality⁴ under its control which is regularly authorized to borrow, for the period to be specified in the loan by-law.

Bond issue. The municipality borrowing shall, in recognition of such loan, enter into and issue in favour of the Commission any bond or debenture which the latter may require.

Sinking-fund. The Commission shall receive annually from the borrowing municipality, as sinking-fund, a sufficient sum to entirely extinguish the amount of the loan at maturity.

Discharge of municipality. 2. The municipality whose accumulated amounts in the sinking-fund shall have been so withdrawn by the Commission shall be deemed as having discharged as regards the Commission the debt to which the said withdrawn sinking-fund relates.

Loans by Commission. The loans made by the Commission with sums so withdrawn from the sinking-fund shall be considered like any other loan made by such municipality through the Commission, and shall be subject to all the provisions of the law respecting loans.

Power of Commission to borrow. 3. If, at the maturity of the bonds issued by it, the Commission has not money in hand at its disposal to replace the sums which it has withdrawn from the sinking-fund, it may borrow for the necessary period of time, in conformity with the provisions of sections 21 and 22 of the act 11 George V, chapter 140, whatever additional amounts are required therefor, taking into account, however, the amount already accumulated in the sinking-fund created for the redemption of the loans made by it under this act.

Commission authorized to acquire lands to open boulevard. **3.** 1. The Commission is authorized to acquire, by agreement or expropriation, the necessary land for the opening and establishing, outside the territory of the city of Montreal, of the proposed boulevard on the Island of Montreal, according to the plan or plans to be homologated under section 11a of the act 13 George V, chapter 105, as enacted by the act 18 George V, chapter 120, section 11. The expropriation shall be made according to the provisions of the charter of the city of Montreal, *mutatis mutandis*.

2. The Commission is further authorized to open and construct the said boulevard, except that part thereof situated in the City of Montreal, according to plans and specifications to be previously approved by it. Such plans and specifications may be amended from time to time, if the Commission deem it necessary. Plans and specifications.

3. The Commission may do the work itself or give it by contract, wholly or partly, after calling for tenders by public notices published twice, on two consecutive days, in at least one English and one French newspaper published in the city of Montreal, the last insertion to be published at least fifteen days before the date fixed for the receiving of tenders. Such tenders shall be opened, on the day and hour stated, at a sitting of the Commission. Execution of work.

4. Notwithstanding the preceding subsection, the Commission may, without calling for tenders, have the work in question done, either by the Roads Department or by the city of Montreal, on the conditions to be agreed upon between the parties who are specially authorized for such purpose. Idem.

5. Except for that part of the boulevard within the city of Montreal, the maintenance of the boulevard shall be at the charge of the Commission which may do the work itself, or give it by contract. For such purpose it may also, if it deem it expedient, contract with the Roads Department or with the city of Montreal. Maintenance of boulevard.

6. Except for that part of the boulevard within the city of Montreal, the Commission shall be responsible for damages for accidents caused by the bad state of the boulevard, but shall have a recourse in warranty against the party to whom it gave the maintenance work. The provisions of section 622 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) shall apply to such claims for damages. Commission responsible for accidents, etc.

7. The work of opening, constructing and maintenance of the boulevard within the territory of the city of Montreal and the purchase of the necessary land for such purpose shall be done by the latter. Work to be done by Montreal.

8. The Commission shall hold in trust the lands acquired by it for the construction of such boulevard. Holding of lands.

9. The Commission may, upon the recommendation of the Minister of Municipal Affairs and approval of the Lieutenant-Governor in Council, borrow, in accordance with the formalities required by the laws governing it, the sums of money it may require for the purchase of the land and the opening, establishing and constructing the portion of the boulevard situated outside of the city of Montreal. Borrowing power for boulevard.

Borrowing power for maintenance. It may also borrow, if need be, each year, the sums required for maintenance. Such sums to be reimbursed from the monies derived from the apportionments which the Commission shall make upon the municipalities interested.

Costs of undertaking. 10. The cost of the undertaking shall include all sums expended by the Commission, the city of Montreal and any other municipality for the acquisition of the land and opening and constructing the boulevard throughout its whole extent, as well for the past as for the future.

Existing street or road. In the event of an existing street or road being incorporated in the boulevard, credit shall be given to the municipality concerned for the price paid by it for the works which will be preserved, but no compensation shall be allowed for part of a street or road crossed by the boulevard.

Expense of maintaining boulevard. The expense of maintaining the boulevard shall include all that the Commission and the city of Montreal shall expend for maintaining the boulevard throughout its whole extent.

Payment of interest and sinking-fund. The Commission shall apportion, each year, upon the municipalities situated on the Island of Montreal, including the city of Montreal, the sums required to pay the interest and sinking-fund upon the capital invested in this undertaking and the expenses for maintenance for the year. Such apportionment shall be made in proportion to the valuation of the taxable immoveable properties in the said municipalities, including the city of Montreal, as established from the valuation rolls in force, which rolls may be amended according to the provisions of section 19 of the act 12 George V, chapter 123.

Duties of clerks, etc., of municipalities. It shall be the duty of the clerk or secretary of every municipality on the Island of Montreal to furnish, to the Commission, each year, a certified copy of the valuation rolls of the municipality which he represents, and, for such purpose, he shall be an employee of the Commission.

Payment of sums due by municipalities. 11. Every sum due by a municipality under an apportionment made as aforesaid shall be payable within thirty days from the demand of payment which shall be made in writing, and shall bear interest after maturity at the rate of 6% per annum. Every sum so charged to a municipality shall constitute part of the administrative expenses of such municipality and be payable out of its general revenue.

Apportionment by resolution. 12. The apportionment by the Commission shall be made by a mere resolution.

13. For the purpose of such undertaking the Commission is empowered, if it does the construction or maintenance work itself, to buy or lease all necessary equipment.

14. The land acquired by the Commission under this act shall be exempted from all municipal or school taxes or other assessment whatever.

15. The Commission shall not be obliged to pay any indemnity or damages for a building erected or improvements made upon land whether vacant or built upon nor by reason of leases or contracts entered into respecting land that is vacant or built upon, after the homologation of the plan or of part of the plan of the boulevard.

16. The Metropolitan Commission cannot exercise any of the powers conferred upon it by this section, without the previous approval of the city of Montreal.

4. This act shall come into force on the day of its sanction.